

#3

Docket Nos. VOS-12 CON

IN RE U.S. PATENT APPLICATION
SERIAL NUMBERS 09/558,284

TRANSMITTAL COVER LETTER FOR FACSIMILE TRANSMISSION

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Attention: Mr. Richard Cole
PCT Legal Division

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VOS-12 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Not yet assigned
Group : Not yet assigned
Applicants : U. Sonnewald and M. Ebneith
Serial No. : 09/558,284
Filed : April 25, 2000
For : 2-DEOXYGLUCOSE-6-PHOSPHATE (2-DOG-6-P)
PHOSPHATASE DNA SEQUENCES AS
SELECTION MARKERS IN PLANTS

New York, New York
August 10, 2000

Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

Attention: PCT Legal Office

LETTER

Sir:

Applicants submit herewith a replacement copy of the PETITION PURSUANT TO 37 C.F.R. § 1.137(b) FOR REVIVAL OF ABANDONED APPLICATION, filed April 25, 2000. During a telephone conference today, Mr. Richard Cole of the Legal Division of the PCT Branch of the United States Patent and Trademark Office advised applicants' attorney, Jane Gunnison, that the Petition filed April 25, 2000 appears to have become separated from the file. Mr. Cole requested that applicants

submit a replacement copy of the Petition and a copy of the date-stamped return post card via facsimile.

The copies of the PETITION, the TRANSMITTAL LETTER FOR RULE 53(b) CONTINUING PATENT APPLICATION (containing an Express Mail Certification of filing on April 25, 2000 and listing the PETITION) and the date-stamped return post card submitted herewith are true copies of the documents filed in the USPTO on April 25, 2000 and of the post card as received from the USPTO.

Respectfully submitted,



Jane T. Gunnison (Reg. No. 38,479)

Attorney for Applicants

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New York, New York 10020

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VOS-12 CON

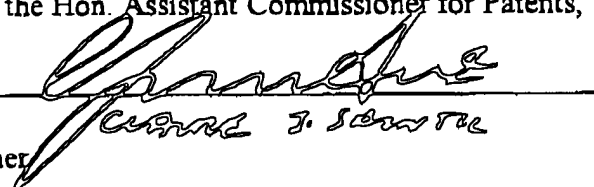
Applicants : U. Sonnewald and M. Ebnerth
For : 2-DEOXYGLUCOSE-6-PHOSPHATE (2-DOG-6-P) PHOSPHATASE
DNA SEQUENCES AS SELECTION MARKERS IN PLANTS

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EI187445706US

Date of Deposit April 25, 2000

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Hon. Assistant Commissioner for Patents, Washington, D.C. 20231.



Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER FOR RULE 53(b)
CONTINUING PATENT APPLICATION

Sir:

This is a request for filing a ☒ continuation, ☐ divisional, application of Application No. PCT/EP98/02069 (designating the United States), filed April 9, 1998 entitled 2-DEOXYGLUCOSE-6-PHOSPHATE (2-DOG-6-P) PHOSPHATASE DNA SEQUENCES AS SELECTION MARKERS IN PLANTS.

Transmitted herewith for filing are the ☒ Petition Pursuant to 37 C.F.R. § 1.137 (b) for revival of an unintentionally abandoned application (in duplicate); ☒ specification; ☒ claims; ☒ abstract; ☒ paper sequence listing; ☐ executed declarations and power of attorney; ☐ Statement to Verify Content of Computer Readable Form Submission Under 37 C.F.R. § 1.821(f); ☐ Computer Readable Form; ☐ Preliminary Amendment; ☐ Request Under 37 C.F.R. § 1.28(c) for Withdrawal of Small Entity Status; ☐ Information Disclosure Statement; and ☐ Form PTO-1449 and documents cited therein for the above-identified patent application.

The enclosed declaration is:

- ☐ Newly executed (original or copy).
- ☐ Copy from a prior application (37 C.F.R. § 1.63(d)).
- ☐ A signed statement is attached deleting inventors named in the prior application (37 C.F.R. §§ 1.63(d)(2) and 1.33(b)).
- ☒ The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ The prior application, Application No. _____, filed _____, is assigned of record to _____.

Also transmitted herewith are:

- ☒ 11 sheets of:
- ☐ Formal drawings.
- ☒ Informal drawings. Formal drawings will be filed during the pendency of this application.
- ☐ An assignment of the invention
- ☐ A check in the amount of \$40.00 to cover the recording fee.
- ☐ Please charge \$40.00 to Deposit Account No. 06-1075 in payment of the recording fee. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ An associate power of attorney.
- ☐ A certified copy of the priority document, _____ application, No. _____, filed _____.

The filing fee has been calculated as shown below:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE				\$ 690.00
TOTAL CLAIMS	23 - 20 = 3	x	\$ 18	= \$ 54.00
INDEPENDENT CLAIMS	12 - 3 = 9	x	\$ 78	= \$ 702.00
<input checked="" type="checkbox"/> A MULTIPLE DEPENDENT CLAIM		+	\$260	= \$ 260.00
TOTAL				<u>\$ 1,706.00</u>

- ☒ A check in the amount of \$ 1,706 in payment of the filing fee is transmitted herewith.
- ☐ This application is being filed unaccompanied by a filing fee. The appropriate filing fee will be paid in response to a Notice to File Missing Parts, pursuant to 37 C.F.R. § 1.53(f).
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge \$_____ to Deposit Account No. 06-1075 in payment of the remainder of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

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 James F. Haley, Jr. (Reg. No. 27,794)
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